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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 1997/44

Addendum

Report on the mission to Cuba

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I. INTRODUCTION

1. At the invitation of the Government of Cuba in a letter dated 17 August 1998, the Special Rapporteur on violence against women visited Cuba from 7 to 12 June 1999 to study the situation of violence against women and its causes and consequences.

2. The Special Rapporteur would like to express her appreciation for the cooperation and assistance extended to her by the Government of Cuba, and in particular by Ms. Vilma Espin Guillois, Chairwoman of the Federation of Cuban Women (Federacion de Mujeres Cubanas) and her collaborators, which enabled the Special Rapporteur to meet with government officials at the highest level, as well as to visit provincial authorities in Villa Clara and in Pinar del Rio. The Special Rapporteur was also able to meet with some sectors of civil society and to visit a women's prison in Havana, as well as a rehabilitation centre for former sex workers.

3. The Special Rapporteur is especially grateful for the efficient cooperation and support provided by Mr. Ariel Français, United Nations Resident Coordinator and UNDP Resident Representative in Havana, as well as Mr. Jorge Chediek, Deputy Resident Representative and Ms. Sara Almer, Programme Officer at UNDP Havana, in ensuring a substantively and logistically successful visit.

4. The Special Rapporteur met with President Fidel Castro, the newly appointed Minister for Foreign Affairs and the Vice-Minister for Foreign Affairs, as well as the Minister for Justice, the Minister and Vice-Minister for Public Health, the Minister for Science, Technology and the Environment, and the Vice-Minister for Labour and Social Security. The Special Rapporteur also met with the Attorney-General, the Chief Justice of the People's Supreme Court, the President of the National Assembly of People's Power and the Deputy Director of the Cuban Revolutionary Police. In Villa Clara and in Pinar del Rio, the Special Rapporteur had meetings with representatives of the provincial government, members of the People's Provincial Council and members of the provincial chapters of the Cuba Women's Federation. In addition, during her visit, the Special Rapporteur met with representatives of trade unions, social workers and social prevention workers, members of the National Union of Jurists, the National Union of Writers and Artists and the National Union of Journalists, as well as with academics and researchers.

5. The Special Rapporteur was able to obtain information and documentation to report to the Commission on Human Rights on government policies and strategies relating to the situation of violence against women in the country. She also received documentation concerning the status of women in Cuba from sources outside the country.

6. The Special Rapporteur is fully aware of the importance of her visit to Cuba since the invitation extended to her was the first extended to any United Nations human rights mechanism by the Government. Government representatives warmly welcomed the Special Rapporteur's visit and in particular the Minister for Foreign Affairs and his Vice-Minister indicated that the visit of the Special Rapporteur was considered a "test case" before it was considered whether other special rapporteurs who had requested to go to Cuba would be invited.

7. For these reasons, the Special Rapporteur hopes that the present report will be considered in a ground-breaking context as constructive and forward-looking, with a view to paving the way for substantive cooperation between the Government of Cuba and relevant human rights mechanisms. It is important that the international community, including Governments and non-governmental organizations, strive towards more meaningful cooperation with the Government and people of Cuba in the field of human rights, in order to achieve the full promotion and protection of human rights for all persons in Cuba.

8. It is in this spirit that, in the present report, the Special Rapporteur considers the situation of violence against women in Cuba from the civil, political, economic, social and cultural rights perspective, while recognizing the need for further and more detailed study of the situation of human rights in Cuba by other relevant human rights mechanisms. The Government emphasized its continuing cooperation with the human rights treaty body mechanisms and is in the process of identifying gaps in national legislation to ensure full harmonization of Cuban national laws with its obligations under international law. The Vice-Minister for Foreign Affairs indicated that this was a multidisciplinary exercise within the Government. The Special Rapporteur hopes that the Government of Cuba will demonstrate its commitment to the universal values of human rights and its legal obligations under international human rights instruments by extending an invitation as soon as possible to those special rapporteurs who have requested to visit the country.

II. GENERAL FINDINGS

9. The United Nations has strongly expressed its reservations with regard to the situation of human rights in Cuba. The Commission on Human Rights, in its resolution 1999/8, adopted in April 1999 by 21 votes to 20, with 12 abstentions, expressed its concern at the continued violation of human rights and fundamental freedoms in Cuba, such as freedom of expression, association and assembly and rights associated with the administration of justice, despite the expectations raised by some positive steps taken by the Government in the past few years.

10. With regard to the position of women, the situation is somewhat different. The Cuban revolution of 1959 was cited by all the Special Rapporteur's interlocutors as the turning point for Cuban women. It is held that women's full participation in development and in society has been gradually achieved in the past 40 years, since the revolution. Women's liberation has progressed in the professional sphere, in urban life and in rural areas. According to statistics provided to the Special Rapporteur, women in Cuba represent 58 per cent of university graduates, and occupy 65.5 per cent of professional and technical positions in the country and 30.5 per cent of management positions. Currently, 27.6 per cent of parliamentarians are women. The Special Rapporteur was pleased with the "feminization of the judiciary": 70 per cent of judicial professionals and 60.2 per cent of judges in Cuba are women. Cuba is one country where the progress of women has resulted in the need to consider quotas for men in certain university disciplines, such as medicine. The Cuban revolution has resulted in a great deal of benefit for women. This was a conclusion that was rarely contested by any party, group or individual the Special Rapporteur spoke to.

11. With regard to the specific problem of violence against women, the situation was more ambiguous. There was a perception among official circles that violence against women was not a problem in Cuba. The Special Rapporteur was informed that the statistics for reported cases

were low and that women were economically independent and so did not tolerate domestic violence. It was argued that the ideological tenets of socialism prevented recourse to violence, unlike in capitalist countries. These perceptions condition Cuban approaches to violence against women. Despite the best efforts of women's organizations, the legislature, especially, was adamant that nothing need be done with regard to violence against women and that no new legislation was necessary. The judiciary was also satisfied that the present position was adequate. This perception that all is well and that nothing need be done was disconcerting. Crimes such as domestic violence and sexual harassment are "invisible" offences. Unless a more proactive approach is taken by the institutions of government, the problems of domestic violence, rape and sexual harassment will not be dealt with adequately. The Special Rapporteur strongly urges the legislature and the executive to look into the law reform with regard to domestic violence, rape and sexual harassment that has taken place in other parts of Latin America and thereafter evaluate the need for any amendments in Cuba. In addition, programmes for sensitizing the judiciary, the police, prosecutors and the vast array of social service workers should be inaugurated by the Government.

12. While the formal institutions of government were sceptical about the need for programmes with regard to violence against women, the Special Rapporteur was very impressed by the work of the Federacion de Mujeres Cubanas (Federation of Cuban Women) (FMC). FMC has an extensive countrywide network and is very attuned to problems of violence at the grass-roots level. It has begun programmes of research and community intervention. FMC representatives introduced the Special Rapporteur to victims who had come in search of assistance at its many centres around the country. The programmes are described in detail in the sections below.

13. In follow-up to the 1995 Beijing World Conference on Women, in which Cuba participated, a State council which includes the participation of non-governmental organizations was established to implement the Bejing Platform for Action and the Cuban National Plan of Action. FMC is the focal point for overseeing implementation. During her visit to Cuba, the Special Rapporteur noted that most programmes relating to the elimination of violence against women had been established specifically in response to the Beijing Conference, that is to say, relatively recently. The Special Rapporteur commends these efforts, but also hopes that the proposed programmes and activities to combat violence against women in Cuba, which appear to be comprehensive and multidisciplinary, will indeed be implemented. It was still too early for the Special Rapporteur to evaluate the effectiveness of many of the programmes and she hopes to continue her dialogue with the Government and FMC with a view to monitoring progress achieved in this domain.

14. One vulnerable group of women in Cuba are the women whose political views are not acceptable to the Government. The refusal to accept independent political and civil organizations that would act as watchdogs vis-à-vis the Government is the main cause of this vulnerability. The Special Rapporteur received allegations and information about many cases of women being arbitrarily detained for political or journalistic activism. The Special Rapporteur entered into a dialogue with the Attorney-General about two compelling cases. The Special Rapporteur was told that she could meet the woman detained in one of these cases when she

visited the prison, but when she arrived she was told that the woman in question was unwell and in hospital. The problem of arbitrary detention remains one of the most serious violations of human rights in Cuba, even with regard to cases involving violence against women.

15. The Special Rapporteur was also concerned about the women being held in rehabilitation centres for "behaviour modification" as a result of their involvement in prostitution. As prostitution is not a crime in Cuba, the use of criminal procedure, such as imprisonment, forced labour in agriculture and restriction of visiting time to a few hours, violate their rights to due process of law.

16. The Special Rapporteur had to recognize in the course of her research that the economic sanctions imposed by the United States of America against Cuba have a significant impact on the social and economic situation of Cuban women. The lack of availability of medicines and pharmaceutical items was clearly evident in the State hospitals the Special Rapporteur visited, although the conditions in these hospitals were exemplary by third world standards. In addition, in relation to women's quality of life, women's groups presented evidence to the Special Rapporteur of hardships for women in the home caused by the embargo, and put forward the argument that the embargo and the hardships resulted in domestic violence. The counter-argument is that the situation is not a product of the embargo but of economic mismanagement by the central Government. However, the Special Rapporteur is convinced from all that she heard and saw that the embargo imposed unilaterally by the United States has a particularly serious negative impact on the lives of Cuban women and that other United Nations mechanisms, concerned with economic and social rights, should investigate the possibility that the United States embargo actually results in the denial of the economic and social rights of Cuban women.

III. DATA COLLECTION AND VIOLENCE AGAINST WOMEN

17. It is hard to determine the scope and prevalence of violence against women in Cuba. The lack of statistics on violence against women remains a major problem, recognized by most people the Special Rapporteur met. Certain efforts are being made to remedy the situation. The Attorney-General informed the Special Rapporteur that the citizens complaint bureau within his Office had not received many complaints of violence against women, largely because of the silence surrounding this problem. There were indications from the Government that in implementation of the National Plan of Action in follow-up to the Beijing Conference, household statistics were going to be gathered. In connection with the lack of gender-disaggregated data, the President of the Supreme Court informed the Special Rapporteur that the Court, under the coordination of its Vice-President, was in an intermediate stage of designing a statistical system to remedy the situation. The President of the Provincial Court of Santiago de Cuba informed the Special Rapporteur that the provincial court had already for three years been coordinating research on violence against women with a view to appraising judges of the existence and extent of the problem. Such research had proved motivating for judges, who were now sensitized to working on issues relating to violence against women. The Special Rapporteur was also informed that some United Nations agencies were extending assistance to government authorities to gather data. UNICEF had supported data gathering in 1999 and UNIFEM was supporting the production of gender-disaggregated data.

18. The only statistics made available to the Special Rapporteur which were directly linked to violence against women were the following statistics provided by the Cuban Revolutionary National Police:

	1998	1999 (first half)
Injuries	5,791	1,944
Rape	963	344
Sexual abuse	22	11
Sexual "insults"	40	25
Lascivious abuse	577	N/A

19. In 1998, 3.6 per cent of female victims of violence were minors. The majority of perpetrators are known to the victims, such as lovers, spouses and former spouses.

20. In the area of academic research, writing and discourse, significant information and documentation exists on the situation of women in Cuba and more recent studies also address the problem of violence against women specifically. Most research on women's issues in Cuba is carried out by "catedras de la mujer" (chair for women's studies) attached to academic institutions. There are 15 "catedras" nationally where academics specializing or interested in women's issues gather to carry out research on various topics.

21. At the University of Havana, the Special Rapporteur had an interesting discussion with women academics of the "Chair for Women's Studies". It was emphasized that the revolution had significantly changed the role of women in Cuban society, resulting in women being important protagonists in most social spheres. Of course, Cuban society still remained patriarchal, but the strengthening of women's social role was also supported by legislative change, contributing to certain changes in gender relations. It was held that, as in most Latin American countries, the "machismo" culture was still present and strong in Cuban society. However, since the revolution much had happened to change that situation.

22. Media professionals with whom the Special Rapporteur met indicated that although women are well represented amongst them, gender stereotyping and sexism in the media still invariably existed. At the same time, it was stated, the press and media were used to reporting openly about violence against women. The editor of a magazine called Sexologia y Sociedad informed the Special Rapporteur that while she received complaints from women victims of violence, those victims did not passively accept the violence, but knew their rights and took action against the perpetrators. That was evidenced in the high divorce rate amongst Cubans, which also spoke for the independence of Cuban women.

23. To address policy planning and institutional issues of general violence from a multidisciplinary angle, the National Commission on Prevention and Social Attention was established 15 years ago. It is composed of representatives of the Ministries of Justice, Culture, Education, Higher Education and Health and of mass organizations. The Commission has launched programmes on alcoholism and suicidal behaviour and has more recently developed the National Programme on Violence. Within the National Programme, a Working Group for the Prevention of and Attention to Intrafamilal Violence, in particular against Women was

established at the beginning of 1999 and an impressive work plan was presented to the Special Rapporteur. Planned activities included the production and dissemination of information leaflets on violence against women, the incorporation of the issue of violence against women into curricula of government officials in various disciplines, the gathering and analysis of statistics on violence against women, the holding of training seminars and workshops for law enforcement officials, prosecutors, judges and health personnel, the development of a television programme on violence against women and the organization of discussion forums on violence against women for officials and the general population. The Special Rapporteur therefore looks forward to receiving information on the implementation of these projected activities, as well as on initiatives undertaken by the Government to accommodate recommendations emanating from these activities, with a view to addressing the issue of domestic violence comprehensively.

A. Domestic violence

24. The Cuban Constitution, in articles 41 to 44, explicitly grants women equal economic, political, cultural, social and familial rights with men and prohibits discrimination based on race, skin colour, sex, national origin, religious belief or any other form of discrimination offensive to human dignity. These rights are further supported by provisions in various laws, including the Family Code (Ley No. 1289 (1975)), which guarantees equal rights to women and men in marriage and divorce, and equal parental rights. Article 295 of the Penal Code (Ley No. 62 (1979)) also provides for sexual equality. However, the Penal Code does not contain any specific reference to domestic violence. Interlocutors held that the general provisions against physical and sexual aggression and rape in the Penal Code provide sufficient guarantees to sanction perpetrators of violence against women.

25. Although there is no special domestic violence legislation, studies by the FMC Centre for Research on Women indicate that the majority of cases of violence against women that come before the courts are domestic violence cases. Of these, psychological violence is the most common form of violence against women. These studies also show that there is a clear link between social violence and family violence. It is for these reasons that the Special Rapporteur and some specialists are concerned that domestic or intrafamilial violence is not defined as a crime in itself, nor mentioned specifically in either the Civil, Family or Penal Codes nor the Constitution.[1] Such a gap in the legislation has consequences in itself, since, it is held, women victims themselves, the perpetrators and the criminal justice system do not attach enough importance to the problem nor perceive acts of domestic violence as criminal acts. Despite studies which show that intrafamilal violence exists in all its manifestations, across cultural, ethnic, financial or racial delineations, the few cases which are brought before the justice system demonstrate a serious lack of awareness of the matter, its consequences and its impact.[2]

26. The Special Rapporteur was informed that the FMC was discussing the possibility of proposing specific domestic violence legislation and the possible establishment of family tribunals, possibly for the Beijing+5 review. The Special Rapporteur strongly encourages these initiatives.

27. With regard to sentencing, the Special Rapporteur was informed that since no specific domestic violence legislation exists, sentences are determined by the level of physical violence

and its consequences: physical violence without consequences carries a sentence of from 3 months to up to 2 years, physical violence with consequences of from 2 to 6 years, and physical violence with severe consequences of from 5 to 12 years. These sentences can be supplemented by additional sentencing, such as the confiscation of property or an injunction order.

28. In a study carried out in 1995 in Pinar del Rio, it was shown that perpetrators of violence against women are mostly family members. The traditional imbalance in workload in the home for men and women was cited by many interlocutors as the most common form of violence affecting women within the family. It was also held that in Cuba, in view of the strong social cohesion and close communication networks between families and neighbourhoods, cases of violence against women cannot be hidden and when cases become known, community intervention is likely. Experts of the Institute of Philosophy pointed out that the community structure is so strong in Cuba that daily life is socially regulated by the neighbourhood, the district and the people's council, which results in very strong popular participation in community life, including in combating violence in the family. The UNICEF representative also held that decentralized local government structures and popular participation in government was effective in Cuba, resulting in above average social and psychosocial support structures for the population. Despite serious lack of capacity in areas such as strengthening infrastructure, areas such as education and health are still given priority attention by government authorities.

29. The Institute for the Development of and Research on Legislation within the Office of the Attorney-General has studied domestic violence from a criminological angle since 1993. The first study constituted a survey of Havana province to observe criminality within the family, but only very few cases were detected. The Institute was also planning to hold a diploma course on transdisciplinary criminology, and domestic violence in particular. The Special Rapporteur welcomes such academic initiatives, which can shed light on the complex issue of domestic violence with a view to making recommendations for addressing the problem effectively at the national level, especially bearing in mind necessary legislative reform and sensitization of the criminal justice system.

30. The Special Rapporteur was appraised of various other initiatives, especially in the area of training and awareness-raising on domestic violence, which were being established at the time of her visit to Cuba. In her meeting with the President of the Supreme Court, the Special Rapporteur was informed that, as a result of the National Plan of Action developed after Beijing, the training of judges in the area of violence against women was made a priority issue. Similarly, the Cuban Revolutionary National Police is involved in implementing the Cuban National Plan of Action for Beijing, which includes gender-disaggregated analysis of data, increased application of administrative and preventive measures to curb violence against women and the training of police on domestic violence issues. The Special Rapporteur was informed that the basic police training is a three-year programme which includes psychological and legal training so that police are well equipped to deal with women victims and are sensitized to women's issues. There are no police training programmes addressing violence against women specifically, but the police are reportedly working with the FMC to develop such special programmes. The National Social Education Centre is developing awareness-raising programmes especially for the police, in order to integrate violence and gender issues into police training.

31. A representative of the Ministry of Health informed the Special Rapporteur that after the Beijing Conference the Ministry started to realize the importance of training health professionals on issues relating to violence against women, since health professionals must be able to carry out socio-medical diagnostics of victims of violence in order to refer them to the appropriate places for assistance and treatment. Health professionals are also engaged in identifying families and persons with certain risk factors, with a view to taking preventive measures.

32. According to Ministry officials, epidemiological violence against women is not a problem: there is no doubt that violence against women exists, but it is not a health issue. Nevertheless, the Ministry of Health participates actively in inter-sectoral community programmes which address comprehensively the causes and consequences of violence, including alcoholism, prostitution and children without parental support. At the community level, family doctors are trained to work with families and other important partners in the community, such as the police and the judiciary, to prevent violence and to identify families with risk factors and assist them to improve their situation. There is increased awareness among professionals and the general population that violence against women can manifest itself not only physically but also psychologically.

33. At the Hospital Galixto-Garcia in Havana, the Special Rapporteur was informed of 82 deaths from trauma in the first half of 1999, 20 of them women, of which one death was a crime of passion (the hospital treats over 50 per cent of the nation's trauma cases). It was generally held that violence against women was not diagnosed in large numbers at the hospital, while it was recognized that the hospital personnel was still at a learning stage especially regarding the detection, treatment and reporting of psychological violence against women. In a three-month study of 110 cases which was carried out to assess appropriate response needs, 10 cases involved physical violence against women, 34 cases were of a psychological nature, 8 were cases of sexual violence and 3 were cases of abandonment. Thus, the statistics provided to the Special Rapporteur do not show a significant problem, but it is also certain that not all cases of violence against women are reported. In cases where victims do not want to report to the police (although all hospitals have police stations attached to them), social workers refer the victims to alternative response mechanisms.

34. At the University Hospital of Villa Clara, the Special Rapporteur was presented with figures relating to deaths in 1998, of which 57.2 per cent were female. Gender-disaggregated analysis showed that the most common cause of violent death for men is traffic accidents, while for women it is accidental falls with fractures (related to osteoporosis setting in earlier in women than in men). These figures, however, may deserve deeper investigation. The Special Rapporteur also noted that figures for suicides (over 75 per cent of them women) far exceeded homicides: a surprising statistic.

B. Rape and sexual abuse

35. Statistics provided by the Ministry of Justice indicated 650 cases of rape in 1996, 747 in 1997 and 664 in 1998. Between 70 and 80 per cent of the perpetrators were sentenced. In Pinar del Rio, the Special Rapporteur was informed that cases of rape do occur but not to a "statistically significant" degree. The necessity for more systematic and analytical data gathering speaks for itself.

36. Sanctions against rape and sexual abuse are provided for in articles 298 and 300 of the Penal Code (Ley No. 62 (1979)). The Special Rapporteur was informed that the law does not discriminate in cases of marital rape. On 5 February 1999, Law No. 87 introduced amendments to the Penal Code, which, according to the Special Rapporteur's interlocutors, increase the legal protection for women and girls and severely increase penalties for "lascivious conduct" including exploitation of the prostitution of others. The Special Rapporteur is, however, concerned that article 298 (3) provides for the death penalty for rape and she strongly regrets that, in March 1999, the Cuban Government extended the death penalty to an additional two crimes, namely international drug trafficking and the corruption of minors (Gaceta Oficial, 15 March 1999). The Special Rapporteur urges the Government to abolish the death penalty and to accede to the International Covenant on Civil and Political Rights and its Optional Protocols.

37. With regard to sentencing, the President of the Supreme Court was of the opinion that sentencing for crimes of violence against women were "at a sufficiently rigorous level" in general, including for rape. The sentence foreseen for rape without physical abuse ranges from 4 to 10 years' imprisonment and for aggravated rape (including of a minor, rape by a public official, recidivism, the existence of a professional relationship with the victim or rape related to organized crime) up to 30' years imprisonment. Physical violence without serious consequences is punished by imprisonment of from three months' to two years' imprisonment, with serious consequences (such as the destruction of the reproductive health system) from 5 to 12 years and aggravated assault up to 10 years. The parameters for sentencing are established by the law, the judge possessing discretion as to the individual sentence within that framework.

C. Sexual harassment

38. Article 301 of the Penal Code (Ley No. 62) sanctions perpetrators of sexual harassment, in aggravated circumstances such as abuse of professional or familial relationships, with from two to five years' imprisonment.

39. The Special Rapporteur was, however, surprised to learn that sexual harassment, especially in the workplace or in educational institutions, was considered non-existent in Cuba. It was explained that each workers' centre has a commission which takes into account all the characteristics of a particular post when selecting people for employment, so that difficult situations will not arise. Should labour disputes of any nature arise, the worker has the right to resort to the labour judiciary, in the first instance in the labour office, and in second instance in the national courts. It was noted that women form 46 per cent of the membership of the labour commissions.

40. In her meeting with trade unionists, the leaders of the commerce, cultural and communications trade unions informed the Special Rapporteur that no cases of sexual harassment in the workplace had come before them. The Central de Trabajadores de Cuba (Office of Cuban Workers) had also not received any complaints of sexual harassment in the workplace.

41. In meetings with the Special Rapporteur, representatives of the People's and Municipal Councils of Villa Clara also considered that sexual harassment was not an issue affecting women

in Cuba. It was considered that adequate measures were in place and that specific sexual harassment legislation was not warranted. However, preventive education and training on issues relating to sexual harassment in the workplace and in educational institutions could be useful.

42. When meeting with social workers, community leaders and Members of the Provincial Parliament and local government authorities in Pinar del Rio, the Special Rapporteur was also assured that sexual harassment in the workplace did not exist generally. If a case should occur, the strong integration of the FMC into all community structures would counteract such tendencies and the Comision del Empleo Feminino would seize the case immediately.

43. While hoping that the above-mentioned measures successfully protect women against sexual harassment to the extent that it is considered nearly non-existent in Cuban society, the Special Rapporteur notes the comment of one expert that sexual harassment remains less defined and less well-known than sexual abuse and rape. The same expert adds that the act of sexual harassment is hardly ever reported since it is difficult to bring proof for lack of definition, because the victims are not believed or because they are ashamed or guilty. As a result, sexual harassment is virtually unknown, unrecognized and difficult to evaluate.[3] In addition, some women's testimonies received by the Special Rapporteur spoke of a sad tendency in Cuba of men in professional posts, such as university teachers, factory managers and government employees, lusting after and harassing young females in subordinate positions, demanding sexual favours in exchange for promotions, clothes and food. These men were referred to as "Atitimaniacos" (young women in Cuba are colloquially referred to as "Atitis"). Other testimonies described the sexual abuse and harassment that many women are exposed to when working in the agricultural sector, particularly in the fields.[4]

44. It is for these reasons that the Special Rapporteur believes that information campaigns about sexual harassment and the remedies available for victims of sexual harassment should be carried out systematically, especially in educational institutions and workplaces. In addition, there should be discussion programmes on radio and television and articles in the printed media should be widely disseminated in order to bring to light this neglected social issue.

D. Trafficking and prostitution

45. In her meetings in Havana, as well as in the provinces, most of the Special Rapporteur's interlocutors held that, as a result of the Cuban revolution, Cuban society had succeeded in virtually eliminating prostitution. Prior to 1959, prostitution was widely stated to have existed out of need; the improvements in the economic and social status of women thereafter had eliminated that need. However, the Special Rapporteur was informed that with the gradual increase of tourism in Cuba, prostitution had been increasing in recent years, mostly in tourist destinations such as Havana and Varadero. The women who engage in prostitution were characterized as originating from families without morals or from dysfunctional families and it was emphasized that any prostitution that might exist in Cuba was not practised in order to meet economic needs, but rather as a result of crumbling social and moral values. Furthermore, as characterized by President Castro himself, Cuban women who sell sex are not prostitutes but rather "jineteras", since no one is forcing them to do so "but they do it on their own".[5]

46. At the same time, however, the Special Rapporteur notes that with the rise of tourism, Cubans without access to the dollar economy and without employment in the much sought after tourism sector are inevitably at an economic disadvantage which is naturally exacerbated by the tightening of economic sanctions and contrasted with the attractions of a Western lifestyle brought in by tourists. The Special Rapporteur therefore believes that the temptation to earn hard currency from tourists is one that is hard to resist.

47. Other sources hold that Cuban prostitution today is characterized by women with professional and vocational education and careers who are unable to meet basic living costs from their local currency salaries. Unlike the traditional woman in prostitution who is considered a social outcast, the "jineteras" of today predominantly serve foreigners who pay in hard currency, and are considered "providers" for their families.[6]

48. According to national legislation (article 302 of the Penal Code, Ley No. 62), prostitution in itself is not a crime in Cuba, but all acts relating to prostitution, such as the exploitation of prostitution of others, are punishable by law with deprivation of liberty for from 4 to 10 years. "Pimping" in aggravated circumstances, such as by public officials, is sanctioned with up to 20 years' imprisonment. Trafficking in women is sanctioned with up to 30 years in prison.

49. According to the Chief of the Cuban Revolutionary Police, prostitution in Cuba is very different in character than in many countries since it is not an organized phenomenon. In Pinar del Rio, for example, there exist "casas de cita" (meeting houses) where prostitutes are known to take clients, but more permanent commercial locations, such as brothels were said not to exist. Similarly, most women and girls found in prostitution do not engage in sex work full-time, but rather in combination with other activities or employment. At the same time, however, the Special Rapporteur received information that there are individual operators who act as mediators between local women and foreigners, establishing the price for the sexual act and arranging for a location. It is reported that these intermediaries take up to 80 per cent of the price that the client pays for a woman. This is an indication that prostitution in Cuba is most likely more organized than government officials like to think.

50. The Special Rapporteur received information that, alongside the modifications to the Penal Code in early 1999, law enforcement officials conducted sweeps in the streets of Havana with a view to cleaning them of prostitutes. Another source indicated that some of these women received blows to the head and were subsequently treated in the Hospital Calixto-Garcia in Havana. The Special Rapporteur was, however, not able to confirm these reports and the hospital staff she met indicated that they were not aware of such incidents. It appears that since these increased repressive measures against sex workers, much of their activity has disappeared from the streets and is now more hidden in bars, nightclubs and private houses.

51. The Special Rapporteur also received information that when women are found exercising prostitution, they are taken back to their provinces by the police and banned from leaving their provinces for a specified time. In accordance with Decree 217 of April 1997, regulating internal migration for Havana, restrictions on movement are provided due to public health, welfare and public order concerns.[7] This decree raises questions about freedom of movement within Cuba, impinging upon rights guaranteed in the Universal Declaration of Human Rights.

52. Women who are found in prostitution repeatedly and/or return to Havana despite restrictions on movement are committed by the judicial authorities to rehabilitation centres. The Attorney-General informed the Special Rapporteur that, recently, in Camaguey province, 300 girls found in prostitution were sent back to school and specially trained police officers, social workers and FMC volunteers were working with the families of the girls to ensure complete rehabilitation. The Attorney-General also spoke of centres ("campamientos") established recently, where women with certain risk indicators could be placed for rehabilitation. These women are brought before the courts and can be sentenced to up to four years' confinement in these centres, where they are required to work, mostly in the agricultural or horticultural sectors. Each "campamiento" has a capacity of 80 to 100 and it is envisaged to have one in each province.

53. As mentioned above, the Penal Code does not criminalize prostitution itself. It does, however, define a state of dangerousness ("el estado peligroso") as the tendency of a person to commit crimes which are observed to be in contradiction with the norms of socialist morality (arts. 72-74, Ley No. 62). Anti-social behaviour and causing disturbance to the community are considered manifestations of such dangerousness. If a person is determined to be dangerous in accordance with the aforementioned provision, the Penal Code allows for the imposition of pre-criminal measures, including re-education for periods of up to four years. The person may be detained by the State during that time until the dangerousness disappears from the subject. The Special Rapporteur has difficulties with the concept of a judicial sentence for an activity which is not a crime under national law. In addition, the arbitrariness of leaving a sentence open until it is considered that the person no longer poses a social threat leaves room for abuse and subjectivity which is inconsistent with fair judicial procedures.

54. At her request, the Special Rapporteur was able to visit one of the rehabilitation centres, in the western province of Pinar del Rio. At the time of her visit, 90 young women registered in the province as having engaged in prostitution were being assisted by the provincial FMC through social and community workers and reintegrating them into the labour force. The Special Rapporteur was briefed by a FMC prevention worker on the procedures followed when a woman is identified as or suspected of being a prostitute. After an initial interview with the woman to establish possible causes for her anti-social behaviour, interviews are conducted with her family and members of the community to establish her background and family history and thus to identify the critical areas of risk which have led the woman to her current situation. The Special Rapporteur was assured that this procedure is carried out with discretion, nevertheless, it is very likely that the community is appraised of the woman's case.

55. The Pinar del Rio rehabilitation centre was established in May 1999 and is located on the premises of a former penitentiary "Centro Penitentiario" (the old sign was still hanging outside when the Special Rapporteur visited). At the time of the Special Rapporteur's visit, 35 women, mostly from Pinar del Rio but also from Havana, were held at the centre. The centre was surrounded by fences and the officials managing it were penitentiary staff in uniforms of the Ministry of Interior. Staff at the centres receive psychological and educational training and all employees are female. The women are housed in large dormitories and sleep on bunk beds.

56. As mentioned above, women found in prostitution are sentenced by a judge to spend up to four years at these rehabilitation centres, where they are required to work six to eight hours a

day, mostly in the agricultural sector. The length of time they spend at these centres depends on the degree of risk to society that the women are estimated to represent. They are allowed to receive two-hour visits every 15 days from family and friends, but are not allowed to move freely outside the facility. Centre officials informed the Special Rapporteur that they were preparing, in cooperation with the Ministry of Education, to provide courses at the centre but that in view of the recent opening of the centre these had not yet been established. The women at the centre also participate in organized artistic events, sports activities or excursions outside the centre. With regard to a complaint mechanism, the Special Rapporteur was informed that since the centre was directly under the Attorney-General's Office, the regular public complaint mechanisms could be used when required.

57. The Special Rapporteur spoke to a number of women held at the centre, but regrets that she was not allowed, despite her request, to speak to the women in private. Most of the women the Special Rapporteur spoke with, seemed to have a family history of abuse and/or violence, as well as unstable employment histories, which had lead them to spend time on the beach, in bars and in restaurants looking to meet men. One of the women had been picked up by the police on the beach when soliciting a tourist. It seemed, however, that these women had not been engaged in prostitution for long, nor systematically, nor in an organized manner.

58. In accordance with its commitment under the Plan of Action for the follow-up to the Beijing Conference, the FMC has been engaged in discussions with relevant government authorities, including the Ministry of Justice, the Ministry of Tourism, the Cuban Institute of Radio and Television and the Ministry of Culture, to ensure that Cuban women are not promoted as a tourist attraction. The FMC also realizes that it is important to work with tour operators to verify that links with foreign countries are not exploited for sex tourism. The Attorney-General emphasized the need for the Cuban authorities to review tourist publicity which depicted healthy and beautiful Cuban women, inviting people with the wrong intentions. The Government informed the Special Rapporteur that all tour operators engaging in any suspicious activities were immediately suspended. During her visit to Cuba, it was reported that the Government undertook a "energetic cleaning operation" within its tourism industry.[8] In fact, the managers of all tourism companies associated with a particular foreign tourist operator called "Cubamor" were let go, since it became known that the tour operator was organizing the travel of single men to Cuba in order to stay at a middle-class hotel outside Havana where government control on contacts with young locals was minimal or non-existent.[9]

E. Women in detention

59. The Special Rapporteur visited the Prision de Mujeres del Occidente, the women's prison known as "Manto Negro", (Black Mantle) in Havana, where at the time of the visit there were 807 inmates aged 16 years and over, from the provinces of Havana and Pinar del Rio (the total capacity of the prison is 1,507). The staff, including 90 correctional officers, were all female, with the exception of one doctor and one psychologist. The Special Rapporteur inspected the medical facilities. With two nurses on duty 24 hours a day and on-site dentistry and radiology facilities, they are comprehensive and are supplemented by the outside services of a psychiatrist, dermatologist, gynaecologist and paediatrician. The Special Rapporteur was informed that daily

attention is given to medical complaints and inmates do not have to wait to see a medical professional. Inmates are required to work 8 hours a day, mainly in horticulture or clothesmaking, for which they receive a full wage.

60. Inmates also have the opportunity to cook their own food and are allowed food rations from outside visitors. The living quarters are generally for two to four person occupancy and, in view of the only half-maximum-capacity number of inmates, the facilities viewed by the Special Rapporteur seemed adequate and well managed.

61. The Special Rapporteur regretted, however, that she was not able to speak with any inmates in private and that the detainee she had requested specifically to interview, Marta Beatriz Roque Cabello, had allegedly been taken to receive medical attention outside the prison at the time of her visit. The Special Rapporteur had requested to meet Ms. Roque Cabello in view of allegations that lack of medical attention at Manto Negro was severely affecting her health. The Special Rapporteur regrets that she was not given the opportunity to verify these allegations.

62. Since the Special Rapporteur visited only one prison and could not interview prisoners in private, she was not able to confirm nor deny allegations, made in a recent Human Rights Watch report on Cuba, that Cuba confines its sizeable prison population in substandard and unhealthy conditions, in which prisoners face physical and sexual abuse, in violation of numerous provisions of the Standard Minimum Rules for the Treatment of Prisoners.[10] The Human Rights Watch report alleges that most prisoners in 24 maximum security prisons and other detention centres are provided with insufficient prison diet, suffer from overcrowding and lack of medical attention and are forced to undergo politically oriented "re-education programmes", and that political prisoners are frequently subjected to excessive punitive measures akin to torture, inhuman or degrading treatment.[11]

63. During her visit to the women's prison in Havana, the Special Rapporteur came across two young female prisoners from the United Kingdom, Michele and Rachel, who informed the Special Rapporteur that they had been held in detention for 7 months without trial on charges of drug possession (drugs had allegedly been found in their luggage). The girls informed the Special Rapporteur that they could not afford a lawyer, but had not yet been provided with legal counsel.

64. The Special Rapporteur expressed her concern over the situation of these two British detainees to Foreign Ministry officials during her visit and requested more detailed information on their cases. At the time of writing the present report, such information had not yet been received.

65. The Special Rapporteur is also concerned that Michele and Rachel seemed to be minors. The Special Rapporteur would like to recall that holding minors and adults together in detention facilities violates international prison regulations (Rule 8 of the Standard Minimum Rules for the Treatment of Prisoners) whose primary purpose is to protect minors from abuse by adult prison inmates. The Special Rapporteur therefore commends the adoption by the Government of Cuba in February 1999 of Law No. 87, reforming the Penal Code, article 1 of which provides that

minors under 20 years of age should be held in separate establishments from older detainees or at least in separate areas in the same facilities. The Special Rapporteur urges the Government to implement this legislative reform without delay.

F. Civil and political rights of Cuban women

66. While the Special Rapporteur was pleased to see the interest taken by the Government of Cuba in the economic and social rights of women, the Special Rapporteur, along with many of her counterparts, remains concerned about the enjoyment of civil and political liberties within Cuba. Certain aspects of human rights are considered the legacy of bourgeois liberal democracy. The Cuban Government is of the view that individuals enjoy full civic and political rights within a socialist framework. Although members of the Government and its sympathizers are well taken care of, there is no real opposition outside that framework. There is limited freedom of association, and freedom of speech is restricted to certain political parameters. In this sense, women's general political and civil rights are not respected. Although there is vibrant discussion within the officially-accepted civil organizations, the lack of organizations that are financially and ideologically independent of government denies the possibility of a watchful, creative civil society. The need for civil and political rights to be extended must be emphasized, if women are to have full participation in civil society and government.

67. The Special Rapporteur is also concerned that the Constitution of the Republic of Cuba establishes a direct line of authority and subordinance to the National Assembly and the Council of State, which can have serious implications for the independence and impartiality of the courts, potentially affecting the right to a fair trial. In addition, the Special Rapporteur has received reports of arbitrary arrests, prolonged pre-trial detention and restrictions on the rights to adequate defence.[12] Similarly, the Special Rapporteur is concerned that the Constitution provides that the National Assembly of People's Power has the authority to select and to dismiss the People's Supreme Court, the Attorney-General and the Deputy Attorney-Generals (arts. 75, 126 and 129). In accordance with article 128 of the Constitution, the Office of the Attorney-General is subordinate to the National Assembly and the Council of State, and article 130 orders the Attorney-General to render account of his work to the National Assembly. All these provisions further impede the impartiality and independence of the Cuban judiciary, thereby restricting the fulfilment of all human rights and fundamental freedoms of Cuban women and men.

G. Economic and social rights of Cuban women

68. The Communist system in Cuba provided Cuban women with an economic and social safety network which put them in a better position statistically than most of their Latin American counterparts. In terms of education (95 per cent female literacy), participation in the workforce (42.5 per cent) and professional and technical training Cuban women are way ahead of women in most other countries. In addition, the Special Rapporteur was informed, 55.16 per cent of trade union leaders at workers' centres are women. Five of 19 trade unions are led by women (the sciences, public administration, culture, commerce and communications unions). Non-discrimination against women at the workplace is a constitutional right.

69. Many Cubans argued that the United Nations seemed only interested in individual violence, conceptualized in terms of physical, sexual or psychological violence. They claimed

that in Cuba women suffer most significantly from another form of violence, namely structural violence, from the economic exploitation and shortages created by the economic sanctions against Cuba. It was reiterated repeatedly that women carried disproportionately the burden of economic sanctions and of "making ends meet" for the family.

70. All the people whom the Special Rapporteur met held the opinion that the economic embargo has a differentiating impact on women in society, with women carrying the heaviest responsibility to find innovative means to cope with the shortage of supplies, such as medicines, cooking oil, soap, female hygiene products, nappies, paper, etc. Women have been most affected by the embargo since they are the principal actors in domestic life. The embargo also has direct consequences for women's health since medical supplies are short. In particular women may suffer psychological consequences as a result of lack of specific female medical care, such as lack of contraceptives and pap-smears. In addition, as a result of the food shortage, women often are the last in the family to eat or do not eat at all. At the same time, women's innovative skills during the period of the embargo have created an idiosyncrasy in society, where, because of these special skills the real impact of the embargo is not perceived as being as strong as it in fact is.

71. In addition, according to officials of the Ministry of Health, the economic embargo is having an impact on the public health system, since Cuba is unable to have access to international credit for medical programmes, to import medical technology or to import medication from the United States. The Special Rapporteur was also informed that Cuba did not have full AIDS treatment capacity as a result of the lack of medical imports. The National Centre for the Promotion of and Education in Health has orgranized 40 workshops to train government staff on sexuality, safe sex, HIV/AIDS and the use of condoms. The Special Rapporteur commented that, especially in view of the embargo, it was commendable that health has been selected as a national priority. The Special Rapporteur also noted that the United Nations agencies present in Cuba provide a strong humanitarian safety net for the country and that most United Nations programmes are targeted to address humanitarian needs created as a result of the economic embargo.

72. The General Assembly has adopted resolutions condemning the embargo for eight consecutive years. The latest such resolution was adopted in October 1999.

73. According to Ministry of Health data, 65 per cent of doctors and 95 per cent of nurses in Cuba are women. The Government assured the Special Rapporteur that the health system itself is public, free and accessible to all Cubans, providing support and services for women at all stages in their lives (life expectancy is 76 years for women).

74. According to statistics provided by the Ministry of Labour, women form 42.9 per cent of the labour force, as opposed to 12 per cent in 1959. Women workers have lost jobs in some production sectors and salaries have decreased by 70 per cent as a result of the embargo. In 1996, a revitalization of the labour market was carried out, which included the establishment of women's commissions at all levels, involving the participation of the workers' centres, the Ministry of Labour and the FMC.

75. The national trade union provides a platform for considering women workers' issues and cooperating with the FMC to address these issues. As a result of collective bargaining, women workers have equal rights under the social security law and are protected by maternity laws and by specific laws concerning women workers. Maternity laws provide for 18 weeks' fully paid maternity leave, after which there is an option to take a further six months' leave on 60 per cent pay, and the right to return to work up to one year after the birth. Special programmes also exist for single working mothers. The Special Rapporteur noted positively the social services available for women workers.

76. At the Instituto Pedro Kouri, the Special Rapporteur was informed of the National Programme for the Prevention of HIV/AIDS, which is an intersectoral and multidisciplinary strategy to prevent HIV/AIDS infection. At present, Cuba has a very low (0.02 per cent) incidence of AIDS and a low transmission rate. In the first half of 1999, 2,763 persons were diagnosed with HIV infection, of whom 868 have AIDS (a rate of 5.6/million compared to 12.1/million in 1998). The national strategy addresses epidemiologial monitoring and control, education (including sex education, and the training of family doctors and other relevant professionals and community leaders), research and laboratory studies. The interdisciplinary Grupo de Prevencion y Lucha Contra el Sida is chaired by the Minister of Health and has participation from the Ministries of Education, Culture, Sciences, Tourism, Justice, Labour and Commerce, as well as the FMC and other mass organizations.

77. The Special Rapporteur was appraised of a comprehensive HIV/AIDS programme financed by UNFPA and UNAIDS which includes the identification of zones of risk and a communication and advocacy strategy in the fight against HIV/AIDS. UNICEF is working with preparatory school students to train them as HIV/AIDS information advocates for the communities.

78. According to the municipal chapter of FMC for Havana there are some specific characteristics that affect the situation of women in the capital region. There is a serious housing shortage, in particular in Old Havana and the peripheries of the capital city. Overpopulated living conditions have resulted in an increase in intra-familial tension and violence, since often up to three generations are forced to live in one or two room apartments. Over 21 per cent of the population is over 60 years old, which leaves elderly women most vulnerable to abuse in such living conditions. In the neighbourhood of the Plaza de la Revolucion in Old Havana, the FMC organized an awareness-raising workshop to address issues relating to violence against elderly women, since this has crystallized as an increasing problem.

IV. CIVIL SOCIETY AND MASS ORGANIZATIONS

79. The Special Rapporteur was informed by the Minister of Justice that, in order to form an association, an application must be submitted to the Ministry of Justice in accordance with the law on associations. The proposed statute of the association will then be examined to determine whether the objectives are in accordance with legislation. In this connection, the Special Rapporteur is concerned that the Cuban law on associations (Ley de Asociaciones No. 54 (1985) y Su Reglamento (1986)) requires all associations and organizations to cooperate and coordinate with relevant State organizations and, as Human Rights Watch alleges, effectively

bars the legalization of any genuinely independent organization, requires associations to accept broad State interference in their activities and provides arbitrary State authority to shut them down.[13]

80. According to the Ministry of Justice, there are currently 2,200 legally registered organizations in Cuba, of which 60 are specifically associations of women, but 1,034 deal with issues relating to women. The Special Rapporteur had requested to meet with non-governmental organizations during her visit and had the opportunity to meet with a large group of representatives of non-governmental organizations in consultative status with the Economic and Social Council. Regrettably, owing to the formal setting of this meeting, the Special Rapporteur was not able to have a substantive dialogue with the NGO representatives. The Special Rapporteur also did not meet with any representatives of organizations that would have been openly critical of the Government's policies and practices.

81. The Special Rapporteur was accompanied throughout her visit by representatives of the Cuban Women's Federation (Federacion de Mujeres Cubanas) (FMC), a mass organization to which 80 per cent of Cuban women belong.

Federacion de Mujeres Cubanas

82. Federacion de Mujeres Cubanas (FMC) (Cuban Women's Federation) is the women's national umbrella organization, working towards the full integration of women in economic, political, social and cultural life in conditions of equal opportunity. FMC collaborates closely with government authorities, such as the Ministries of Labour, Education and Health. FMC is the national coordinating structure for the implementation of the Beijing Platform for Action and of the Cuban National Plan of Action for Beijing.

83. FMC receives complaints of any kind from individuals: in 1998, 25,239 cases were received at the FMC national and provincial headquarters in Havana, of which 133 were cases of violence (75 cases of violence against women perpetrated by men; 6 cases of violence by women against men; 35 cases of violence by women against children; 14 cases of violence by men against children; and 3 other cases). The Special Rapporteur was informed that FMC investigators are trained to identify violence against women and its symptoms, even where the actual complaints lodged were of a different nature.

84. The Special Rapporteur was informed that UNICEF Havana has been supporting a series of workshops on women's issues, entitled "Para la vida", organized by the FMC at the provincial level, addressing violence in the family and in the community, and conflict resolution through an integrated community development approach. These workshops have succeeded in bringing grass-roots concerns to certain strategic levels. In addition, UNICEF has contributed to the production of over 90 television spots (or short "telenovelas") which address themes of sexuality, violence and other related issues. The Special Rapporteur was informed of 200 radio commercials supported by UNICEF on similar themes. UNICEF also supports the publication of booklets such as "Women in power" and "Women as objects and subjects of violence", as well as an information pamphlet on violence against girl children for distribution in schools.

85. The FMC Centro de Estudios de la Mujer (Centre for Women's Studies), established in 1996, carries out research on the basis of which FMC makes recommendations to the appropriate authorities. Thematic studies undertaken by the Centre include studies on "women, power and decision-making", "women and nutrition" in cooperation with the World Food Programme, and on gender relations in different sectors of society.

86. The National Programme on Violence of the National Commission on Prevention and Social Attention was established three years ago by FMC, which acts as programme coordinator. The objective of the programme, which brings together 76,000 community organizations, is to promote the development of the family and of women, and equality of opportunity for women. Under the programme, prevention of violence against women is addressed from a multidisciplinary and multisectoral approach. One of the priority areas of activity is training and awareness-raising among the general population as a preventive tool. Training on violence against women in the family has also been provided to governmental and administrative authorities, such as the National Police Council, the Ministry of Justice, the Attorney-General's Office, the Ministry of Health and the National Institute for Radio and Television. Community activities, such as workshops for reflection, with specifically designed materials, address topics such as violence against women in couples and violence against children within families. Leaflets containing the protective legislation with regard to intrafamilial violence have also been produced.

87. Under this National Programme on Violence, a working group has been analysing cases of violence before the judiciary and has carried out comparative studies on legislation in the Latin American region, with a view to identifying gaps in existing intra-family violence legislation. The Special Rapporteur was informed, for example, that the working group had recently submitted to Parliament a proposal recommending that any family relationship between the victim and the perpetrator should constitute an aggravating circumstance in a criminal case, it had been approved by Parliament (Law No. 87). At the same time, however, one of the members of the working group pointed out that although Cuban legislation does extend wide protections to women, the mentality of the people has not always evolved in parallel with the revolutionary ideas. Therefore, the working group is also cooperating with the media to eliminate sexism in society.

88. The FMC has 175 "Casas de Orientacion de Familia" nationwide which are managed with the participation of professionals from various disciplines, including psychologists, social workers and health professionals. The programme of work of each "casa" is designed by its employees to respond to the particular situation of women in a given community. In addition to various assistance services, the "casas" also disseminate information materials in print and on the radio. The Special Rapporteur visited the FMC "Casa de Orientacion a la Mujer y a la Familia" in Santa Clara, Villa Clara province, which was the first to be established in the country, in 1990, on the basis of recommendations made by the first chair of women's studies established in the country (also in Santa Clara). The Women's Studies Department now carries out research on case studies received from the "Casa" with a view to making further recommendations to widen the approach to women's issues to include women's issues outside the family context, such as prostitution, labour issues and sex education.

89. The "casas" are an essential link between FMC and the community and reach out to individual women and to entire families. A specialist at the "casa" in Villa Clara stated that violence against women is not a widespread phenomenon in Cuba, as it was in other Latin American countries, but that it did exist. In the past one year, in Villa Clara 57 cases of violence against women had been brought to the "casa", of which 9 involved physical violence, 1 sexual violence and 47 psychological violence. Another 552 cases of violence against women were observed in the same period, but were not reported. The most common causes for violence against women were cited as communication problems between partners, maltreatment of children and the humiliation of partners. The "casas" also provide women with training for income-generating activities such as hairdressing and massage services, as well as psychological counselling, including courses in building self-esteem.

90. In the province of Pinar del Rio, FMC registered 38 cases of violence against women in 1998 out of the total of 2,000 cases submitted to FMC. Those 38 cases mainly related to spousal violence and property disputes. In Pinar del Rio, there were currently 90 prostitutes who were in rehabilitation.

91. The Special Rapporteur was astonished to note that there were no shelters in the whole country. Experts with whom the Special Rapporteur raised this concern considered that shelters were not necessary since the women were adequately protected by the law and by the community, and in the rare case of need for a place to stay, women often stayed with family or neighbours. Nevertheless, the Special Rapporteur urges FMC to establish shelters, at least with a few places, in all provinces in order to encourage women to come forward and report on violence against them, and to ensure their independence if they decide to move on with their lives from a violent situation.

92. At a meeting with members of the National Union of Artists and Writers, the Special Rapporteur was appraised of some innovative methods of addressing violence against women through the arts. In one radio short story entitled "Yo quiero ser un hombre" (I want to be a man) a woman and a man change roles in order to understand each other better (the woman even abuses the man sexually in her newly found identity). Another popular radio programme, entitled "Nosotras", is a family programme with a gender focus where violence against women is also sometimes addressed through letters and phone calls from listeners. Some poets and writers to whom the Special Rapporteur listened held that conscience about women in literature is very present, a dialogue on women and culture also.

V. RECOMMENDATIONS

A. International level

93. The Special Rapporteur calls on the Government of Cuba to accede as soon as possible to human rights instruments to which it is not yet a party, in particular the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its two Optional Protocols.

94. The Special Rapporteur urges the Government of Cuba to grant invitations to those thematic mechanisms of the Commission on Human Rights which have requested to visit Cuba, including the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on torture and the Special Rapporteur on religious intolerance.

95. The Special Rapporteur recommends that the Government of Cuba cooperate with the Office of the High Commissioner for Human Rights with a view to engaging in technical cooperation programmes designed to broaden the scope and to speed up reforms in the field of human rights and fundamental freedoms, in particular in relation to promoting all the human rights of women.

96. The Special Rapporteur calls on the Government of the United States to terminate its economic embargo on Cuba. The Special Rapporteur also holds that the embargo has a negative impact on the economic and social condition of Cuban women.

B. National level

97. The Special Rapporteur urges the Government of Cuba to take comprehensive steps at the legislative and executive levels to deal with the issue of violence against women. The legislature and the executive should be fully involved in devising plans for the eradication of violence against women from Cuban society. This should include a survey of recent changes in legislation and planning strategy adopted by other Latin American countries after the Beijing Conference.

98. The Special Rapporteur urges the Government of Cuba to give the maximum available resources to the Federacion de Mujeres Cubanas which is doing exemplary work with regard to the vindication of the rights of women.

99. The Special Rapporteur calls on the Government of Cuba to adopt special domestic violence legislation, as well as sexual harassment legislation, combining civil and criminal proceedings, in order to enhance the legal protection against violence of women. The Special Rapporteur would like to refer the Government of Cuba to the model legislation on domestic violence elaborated in her report to the Commission on Human Rights contained in document E/CN.4/1996/53/Add.2.

100. The Special Rapporteur recommends that the Government of Cuba engage in a comprehensive programme of sensitizing its police force, its judiciary and its prosecutors with regard to issues of violence against women, with technical cooperation from the United Nations.

101. The Special Rapporteur recommends the dismantling of the special rehabilitation centres set up for prostitutes as the centres violate their due process rights. Other mechanisms that do not violate the rights of the prostitutes would be more appropriate.

102. The Government of Cuba should permit international and national organizations to visit Cuban prisons and detention centres regularly and systematically and to monitor prison conditions.

103. The Special Rapporteur urges FMC to establish shelters for women victims of violence in all provinces.

104. The Special Rapporteur urges the Government of Cuba to respect the political and civil rights of its women by allowing for independent political and civil organizations and by ensuring the independence of the judiciary. The Special Rapporteur also urges the Government of Cuba to stop the practice of arbitrary detention, which is in violation of the standards set out in the International Covenant on Civil and Political Rights.

Notes

[1] Dra. Olga Mesa Castillo, Presidenta de la Sociedad Cubana de Derecho Civil y de Familia, Union Nacional de Juristas de Cuba, "La situación jurídica de la mujer en Cuba de hoy", unpublished.

[2] Lic. Idalmis Veitia Mendez, "Violence hacia la mujer en las relaciones de pareja", in Sexologia y Sociedad, Año 3, No. 7, August 1997.

[3] Ileana Artiles de Leon, "Violencia: un problema social y de salud", in Sexologia y Sociedad, Año 2, No. 8, December 1997.

[4] Dr. Maria-Antonieta Exposito-Lima, Testimonios de Mujeres Cubanas, Coalición de Mujeres Cubano-Americanas, Miami, 1999).

[5] Mike Trickey, "The hookers of Havana", The Ottowa Citizen, 4 May 1998. The term "jinetera" originates from the concept of "jineterismo", which can be construed to mean "a way to solve problems", and is associated with a new kind of entrepreneurship.

[6] Ileana Fuentes, "From pajarito to buscoextranjero.com: exploitation and profitability considerations in Cuban prostitution, 1958 to 1998", Association for the Study of the Cuban Economy, Ninth Annual Conference, 12-14 August 1999.

[7] Human Rights Watch, Cuba's Repressive Machinery - Human Rights Forty Years after the Revolution, New York, June 1999, p. 6

[8] Mauricio Vicent, "Cuba destituye a varios altos cargos vinculados a empresas que promocionan el turismo sexual", El Pais, 11 June 1999.

[9] Ibid.

[10] Human Rights Watch, Cuba's Repressive Machinery. Human Rights Forty Years after the Revolution, New York, June 1999, p. 5.

[11] Ibid., pp. 103-134.

[12] Ibid., p. 3.

[13] Human Rights Watch report, 1999, p. 24.

Annex

SELECTIVE LIST OF PERSONS WITH WHOM THE SPECIAL RAPPORTEUR MET DURING HER MISSION

President Fidel Castro	
Mr. Felipe Perez Roque	Minister for Foreign Affairs, Member of the Council of State
Ms. Maria de los Angeles Florez	Vice-Minister for Foreign Affairs
Ms. Vilma Espin	President, Federacion de Mujeres Cubanas (FMC) Member of the Council of State
Mr. Roberto Diaz Sotolongo	Minister of Justice Minister of Public Health
Dr. Raul Peres Gonzalez	Vice-Minister of Public Health
Lic. Conrado Valladarez Anillo	Vice-Minister of Labour
Dr. Rosa Elena Simeon	Minister of Science, Technology and Environment
Dr. Juan Escalona Reguerra	Attorney-General
Lic. Ruben Remigio Ferro	Chief Justice, People's Supreme Court
Dr. Ricardo Alarcon de Quesada	President, National Assembly of People's Power
Gen. Jesus Becerra Morciego	Deputy Chief, Cuban Revolutionary Police Instituto Pedro Kouri
Ms. Olga Fernandez Rios	Institute of Philosophy
Ms. Romelia Pino	Institute of Philosophy
Ms. Mayda Alvarez Suarez	Director, Centro/FMC
Dr. Clotilde Proveyer	University of Havana
Dr. Caridad Navarrete Calderon	Office of the Attorney-General
Dr. Concepción Campa Huergo	Director, Instituto "Carlos J. Finlay", Member of the Political Bureau of the Communist Party

Mr. Miguel Sosa	Ministry of Health
Dr. Armando Guerra Vilanova	Director, Hospital Galixto-Garcia
Ms. Teresa	Director, Prisión de Mujeres del Occidente
Ms. Maritza Roleon	Director, Centro Felix Varela
Padre Carlos Manuel de Cespedes	Vicario-General
Dr. Antonio Radilio Martin Sanchez	National Union of Jurists
Mr. Alexis Mergarejo Falero	President, Provincial Assembly, Villa Clara
Ms. Arelys Santana Bello	Secretary-General, FMC, Villa Clara
Mr. Lazaro Alvarado	Vice-President, Provincial Administrative Council
Ms. Natividad Bri	Secretary-General, FMC, Pinar del Rio
Mr. Cyrilio Gonzalez	Secretary, Commission for the Prevention of and Social Attention to Violence
Mr. Ariel Francais	United Nations Resident Coordinator and UNDP Resident Representative
Mr. Jorge Chediek	Deputy UNDP Resident Representative
Ms. Sara Almer	Programme Officer, UNDP
Mr. Alfredo Missair	UNICEF representative